

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States of America

v.

Efrain GARCIA-Hernandez

COB: Mexican Citizen

YOB: 1981

Defendant

)
)
)
)
)

Case No.

7:18-mj-2147

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 10/20/2018 in the county of Hidalgo in the Southern District of Texas, the defendant violated 21 U. S. C. § 952, an offense described as follows:

Knowingly, willfully and unlawfully imported from a place outside the United States, to wit; the United Mexican States, to a place in the United States, to wit; Hidalgo, Texas, a controlled substance listed under Schedule II, of the Controlled Substance Act, to wit; approximately nine point fifty six (9.56) kilograms, gross weight, of methamphetamine.

This criminal complaint is based on these facts:

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on October 20, 2018.

See Attachment "A"

Continued on the attached sheet.

Submitted by reliable electronic means,
sworn to and attested to telephonically
per Fed. R. Cr.P. 4.1, and probable
cause found on:

s/ Fatima Alkhatib

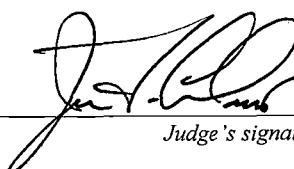
Complainant's signature

Fatima Alkhatib, HSI Special Agent

Printed name and title

Sworn to and executed by reliable electronic means.

Date: 10/21/2018 - 9:58 a.m.



Judge's signature

City and state: McAllen, Texas

U.S. Magistrate Judge Juan F. Alanis

Printed name and title

t: 18 MJ 2147

Attachment "A"

On October 20, 2018, United States (U.S.) Customs and Border Protection Officers (CBPOs) at the Hidalgo, Texas Port of Entry (POE) encountered Efrain GARCIA Hernandez as he presented himself for inspection driving a red Ford Explorer with Mexican license plates. GARCIA was the sole occupant of the vehicle and at primary inspection, GARCIA stated that he was traveling to Walmart to purchase a wheelchair. GARCIA claimed ownership of the vehicle he was driving. As GARCIA handed back his entry documents, CBPOs noticed his hands were shaking. GARCIA gave a negative declaration for plants, fruits, meats, currency, narcotics, tobacco and alcohol and was referred to secondary inspection for a secondary inspection.

At the secondary inspection area, GARCIA gave a negative declaration for plants, fruits, meats, currency, narcotics, tobacco and alcohol. CBPOs conducted a seven-point inspection on the vehicle, which revealed recent tampering to the gas tank. The vehicle was sent to the Z-portal for a non-intrusive exam.

An x-ray scan of the vehicle using the Z-portal yielded inconclusive results. A CBP Canine Enforcement Officer and his K-9 partner then performed an inspection of the vehicle resulting on an alert to the odor of narcotics in the gas tank area. A search of the gas tank revealed twenty-two plastic containers of a white crystal substance which tested positive for characteristics of methamphetamines in the amount of 9.56 kilograms.

Homeland Security Investigations (HSI) Special Agents (SAs) responded to the port to interview GARCIA. GARCIA was read his Miranda Rights from a pre-printed form in the Spanish language by SA Jose Ovalle witnessed by SA Eddie Ramirez and CBPO Jesus Cuellar. GARCIA waived his rights both orally and in writing by signing the pre-printed form. GARCIA voluntarily agreed to provide SAs with a statement.

GARCIA stated that he knew he would be transporting what he believed to be marijuana into the U.S. but claimed that he was forced by three unknown individuals to do it. GARCIA was instructed to contact the men once GARCIA entered the U.S. so that GARCIA could be given further instructions. GARCIA stated that this was his first time transporting narcotics into the U.S. and that he had not been paid for doing so.